

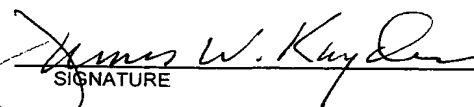
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>80350-1240</b>
INTERNATIONAL APPLICATION NO. <b>PCT/FR02/03933</b>	INTERNATIONAL FILING DATE <b>15 November 2002</b>	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/501,645</b>
TITLE OF INVENTION <b>GASTRIC RING MADE OF VARIABLE HARDNESS ELASTOMERIC MATERIALS</b>		PRIORITY DATE CLAIMED <b>15 January 2002</b>
APPLICANT(S) FOR DO/EO/US <b>BENCHETRIT, Salomon</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> is attached hereto.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p style="margin-left: 20px;">d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: <b>Return Postcard; Credit Card Form; Cert. of Express Mail;</b></p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Copy of Notification of Missing Requirements;  
Response to Notification of Missing Requirements;*

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/501,645</b>		INTERNATIONAL APPLICATION NO. <b>PCT/FR02/03933</b>		ATTORNEY'S DOCKET NUMBER <b>80350-1240</b>		
The following fees have been submitted				<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>	
21. <input type="checkbox"/> Basic national fee..... \$300				\$		
22. <input type="checkbox"/> Examination fee If international preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100 All other situations..... \$200				\$		
23. <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared and provided to the Office..... \$400 All other situations..... \$500				\$		
<b>TOTAL OF 21, 22 and 23 =</b>				\$		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.						
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE			
- 100 =	/50 =		x \$250	\$		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$		
Total claims	- 20 =		x \$ 50	\$		
Independent claims	- 3 =		x \$200	\$		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$		
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.						
<b>SUBTOTAL =</b>				\$		
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$		
<b>TOTAL NATIONAL FEE =</b>				\$		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$ 40.00	
<b>TOTAL FEES ENCLOSED =</b>				\$	<b>40.00</b>	
				Amount to be refunded:	\$	
				Amount to be charged:	\$	
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>220-0778</b>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>						
<p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:  <b>KAYDEN, James W.</b>  <b>THOMAS, KAYDEN, HORSTEMEYER &amp; RISLEY, LLP</b>  <b>100 Galleria Parkway, N.W.</b>  <b>Suite 1750</b>  <b>Atlanta, GA 30339-5948, US</b></p>						
				 SIGNATURE <b>James W. Kayden</b> NAME		
				<b>31,532</b>		
				REGISTRATION NUMBER		

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)  
UNDER THE PATENT COOPERATION TREATY

In Re Application of: **BENCHETRIT, Salomon**  
U.S. Serial No.: 10/501,645  
(Nat. Phase of Int. Appl. No.: PCT/FR02/03933)  
U.S. Filing Date: July 15, 2004  
(Int. Filing Date: 15 November 2002)  
Title: GASTRIC RING MADE OF VARIABLE HARDNESS ELASTOMERIC MATERIALS  
Atty Docket No.: 80350-1240

**CERTIFICATE OF MAILING UNDER 37 CFR 1.10**

Mail Stop PCT (DO/EO/US)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

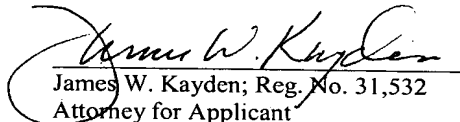
Sir:

Enclosed for filing in the above-captioned International application are the following documents:

1. Transmittal Letter (duplicate copy of fee page);
2. Credit Card Payment Form in the amount of \$40.00 for Assignment Recordation Fee;
3. Copy of Notification of Missing Requirements under 35 U.S.C. 371;
4. Response to Notification of Missing Requirements under 35 U.S.C. 371;
5. Executed Combined Declaration and Power of Attorney;
6. Cover Sheet for Recordation of Assignment;
7. Executed Assignment Document; and
8. Return receipt postcard.

The Commissioner is authorized to charge the deposit account No. 20-0778 any additional fees which may be required, or credit any overpayment to Deposit Account No. 20-0778.

Respectfully submitted,

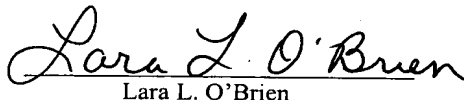
  
James W. Kayden; Reg. No. 31,532  
Attorney for Applicant

**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**

Suite 1750  
100 Galleria Parkway, N.W.  
Atlanta, GA 30339-5948  
Telephone: (770) 933-9500  
Facsimile: (770) 951-0933

I hereby certify that all correspondence listed above are being deposited for delivery to the above addressee, with the United States Postal Service as "Express Mail", under Express Mail Label No. **EV558415190US** service under 37 CFR 1.10 on the date indicated below.

Date: 8 February 2005

  
Lara L. O'Brien

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Confirmation No. 2465

BENCHETRIT, Salomon

Serial No: 10/501,645

Docket No.: 80350-1240

PCT Filing Date: 15 November 2002

For: GASTRIC RING MADE OF VARIABLE HARDNESS ELASTOMERIC  
MATERIALS

**RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. 371**

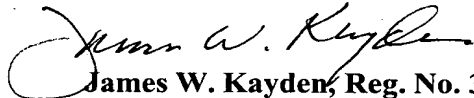
Mail Stop PCT (DO/EO/US)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Requirements mailed on December 10, 2004, the Applicant herewith submits a signed Combined Declaration and Power of Attorney in connection with the above-identified application.

If the Office believes that additional fees may be required, the Office is authorized to charge any deficiency to Deposit Account No. 20-0778.

Respectfully submitted,



**James W. Kayden, Reg. No. 31,532**  
Attorney for Applicant

**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**

100 Galleria Parkway, NW, Suite 1750  
Atlanta, Georgia 30339-5948

Date: 8 Feb 2005  
Customer No: 24504



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/501,645	FIRST NAMED APPLICANT Salomon Benchetrit	ATTY. DOCKET NO. 80350-1240
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INTERNATIONAL APPLICATION NO. PCT/FR02/03933
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LA. FILING DATE 11/15/2002	PRIORITY DATE 01/15/2002
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James W Kayden  
Thomas Kayden Horstemeyer & Risley  
100 Galleria Parkway N W  
Suite 1750  
Atlanta, GA 30339

CONFIRMATION NO. 2465  
371 FORMALITIES LETTER



\*OC000000014721520\*

Date Mailed: 12/10/2004

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 07/15/2004
- English Translation of the IA filed on 07/15/2004
- Copy of the International Search Report filed on 07/15/2004
- Preliminary Amendments filed on 07/15/2004
- Information Disclosure Statements filed on 07/15/2004
- Small Entity Statement filed on 07/15/2004
- Request for Immediate Examination filed on 07/15/2004
- U.S. Basic National Fees filed on 07/15/2004
- Priority Documents filed on 07/15/2004

DOCKETED

RESPONSE DUE 2/10/05

THOMAS, KAYDEN  
HORSTEMEYER & RISLEY, L.L.P.

DEC 15 2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 305-3686

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/501,645	PCT/FR02/03933	80350-1240

FORM PCT/DO/EO/905 (371 Formalities Notice)